

ZONING BOARD OF APPEALS

MARCH 18, 2013 MEETING MINUTES

PRESENT: Chairperson Ron Nolland, Maurica Gilbert, Karl Weiss, Alternate,
Scott DeMane, Alternate

ABSENT: Connie Fisher, Kathy Latinville, Michelle Labounty,

ALSO PRESENT: Joseph McMahon, Building Inspector
Rick Andras, Verizon Wireless Radio Frequency Design Engineer
Chris Howell, Verizon Wireless Project Manager Site Acquisition
Dave Brennan, Young/Summer LLC
Daniel Boudreau, First Assembly of God

Mr. Nolland called the meeting to order at 7:04 PM. He advised this is a 5 person board, which consists of 5 regular members and 2 alternates. There were 2 regular and 2 alternate zoning board members available for voting tonight. The applicant will need 3 positive votes for any motion to carry.

The below 3 items were on tonight's agenda.

APPEAL	APPLICANT	REQUEST
1955	FIRST ASSEMBLY OF GOD 164 PROSPECT AVENUE	CLASS B VARIANCE FREE STANDING SIGNS WHICH IS NOT PERMITTED IN RESIDENTIAL DISTRICT
1956	NEW YORK RSA 2 CELLULAR PARTNERSHIP DBA VERIZON WIRELESS 316 CORNELIA STREET	CLASS B VARIANCE AREA VARIANCE, CELL TOWER, EXCEEDS HEIGHT ALLOWED
1957	NEW YORK RSA 2 CELLULAR PARTNERSHIP DBA VERIZON WIRELESS 316 CORNELIA STREET	SPECIAL USE PERMIT TO ERECT COMMUNICATIONS FACILITY TOWER

Mr. Nolland advised he is the Chairman of the Zoning Board of Appeals. His term runs throughout the calendar year. They did not have a meeting in December, January or February. They did vote, electronically, to keep the same slate of officers, which is himself as chairman, Ms. Gilbert as 2nd chair, and Michelle Labounty as third chair. These positions will stay throughout 2013.

Mr. Nolland advised there were no board members within 500' of Appeal 1955 so all 4 board members can vote. However, Scott DeMane will not be voting on Appeal 1956 and 1957 due to him owning property within 500' of Plattsburgh Plaza. By the zoning bylaws, he is asked to excuse himself although the applicant can, if they want to, allow him to waive that informality and vote and participate in the meeting.

For the appeal regarding First Assembly of God, he asked Mr. Boudreau was he concerned about meeting with a 4 member board, as opposed to a 5 member board and did he want to postpone his appeal on the board's behalf. Mr. Boudreau advised he would go forward with this appeal tonight.

For the NY RSA 2 Cellular, there will only be 3 members voting. They would need 3 positive votes. Mr. Nolland offered the same thing although if postponing, there may not be the same board members available for next month's meeting.

The **first** item on the agenda was Appeal #1955, First Assembly of God for a Class B Variance, 156 Prospect Avenue for a Free Standing Sign, which is not allowed in an R District.

[Meter 5:06]

Mr. Daniel Boudreau was present to represent the First Assembly of God.

Mr. Nolland started this discussion stating they was some confusion and new information was received regarding this appeal.

Documents submitted were letter from First Assembly of God authorizing Mr. Boudreau to represent the Church, application for a Free Standing Sign, Area and Dimensional Variances, which were read into the record. [Meter 6:26]

The Board questioned why this was an area variance. Although the applicant is not allowed to have a free standing sign, 2 things have been discovered. The first is that the current sign has been there since 1964, which the Board believes is the same sign, or the maintained version of the sign. They have also discovered the current sign is installed on the City Right-of-Way (ROW) and the City property . Mr. Boudreau agreed. Mr. Nolland also advised that the current Meadowbrook sign is also installed on City property. By 6-1/2 feet.

Mr. Boudreau stated it was explained to them that Prospect Avenue has been offset so the lines that normally would be offset are incorrect.

Mr. Nolland continued saying the problem they have is that as long as their sign stays where it is and does not change, there is nothing they can do about that. But requesting to change this sign, and the same will be true of Meadowbrook, then the Board cannot give him permission to install a new sign on City property. That use is not allowed. A free standing sign can be discussed by not at this location. Mr. Boudreau agreed. [Further discussion, Meter 8:52]

BOARD COMMENTS:

Ms. Gilbert asked how important is signage to them. Mr. Boudreau advised signage is very important in that there is a school and church there. It's a 400+ congregation typically. There is also a food shelf there so there is a lot of homeless that come in from the community. There is a clothing store there also. Ms. Gilbert asked him about a small sign that would give more information than this? Mr. Boudreau felt putting a sign out front – they do not want to distract from people driving by on Prospect. They want the public to be able to see the sign “First Assembly.” On all the glass doors are all the information about the church (hours, etc.).

Mr. Nolland advised the parking lot is totally on First Assembly property. Mr. McMahon agreed. Mr. Nolland spoke about an installing an island in the parking lot. Mr. McMahon added they would need a variance to be closer than 5' to that front property line, meaning the edge of the island could not be the front property line, unless granted by ZBA. Mr. McMahon referenced a survey from the Engineering Department.

Mr. Boudreau explained the street light emits more light than what the proposed sign will. All lights on the building are set up to go out at 9:30 PM, which would include the proposed sign. The church does respect the neighborhood.

[Meter 12:50] Mr. Nolland and Boudreau discussed where the new sign could be placed, maybe 8 or 9 feet into the parking lot, creating an island, location on the side of the building but sticking with City parameters.

AUDIENCE COMMENTS: [Meter: 13:48]

Michael O'Meara, 174 Prospect Avenue, stated he doesn't want it in their neighborhood. He has a 13 year old and he has several friends over and they don't need anything to obstruct their vision going across the street to the other park. It is a residential neighborhood and they don't want it to be a business district. It's 100' from his house. He submitted a petition dated March 18, 2013 with 11 signatures on it. (Attached hereto and made a part hereof). He added nobody wants it.

Susan Neale, 171 Prospect Avenue, who lives diagonally across from the church stated she would not like to have this sign vision when she pulls out of her driveway every day. Mr. Nolland advised it would be back further than the existing sign. Ms. Neale continued saying the existing sign is very small and low to the ground. The fact that the proposed sign will be internally lit is also an issue.

CLOSED PUBLIC HEARING [Meter 16:00]

There was no copy of the 1964 sign permit, only on the posting card. There were no minutes either.

Mr. Weiss asked about the requirements for size. Mr. McMahon said no, because a sign is not permitted. In 1964, it's presumed it met the requirements for a sign. There is no data on the card as to how big the sign was.

Mr. McMahon advised the proposal is for 48 square feet and the sign they currently have is 27 square feet so the variance is 21 square feet.

Mr. Weiss asked if they would consider a smaller sign and not lit internally. Meadowbrook has small flood lights. Mr. Boudreau advised Meadowbrook sign has 6 lamps on it. It's very bright in comparison to an internally lit light.

Ms. Gilbert asked about living with the same size and current sign. Mr. Boudreau advised the sign proposed is a smaller standard sizes. The recommendation from the sign manufacturer for a City area, for an average speed of 30 MPH is the easiest to read sign that they recommend. The Church lowered the height of the sign so it's only 2' off the ground. [Meter 18:52]

Mr. Boudreau thought the sign would "disappear" if on the building. Getting a sign that is free standing and out away from the building is an important thing. The biggest problem over the years is the snowplowing and traffic going by. They constantly are ruining the sign, because it's so low and there is no base that they are able to put underneath it to get it up.

Ms. Gilbert thought she could give a variance to move the sign inward on their property but to keep the same size. Internally lit would be OK but small. She explained further. [Meter 20:55]

Mr. Nolland said he's seen the petition from the neighbors. They often take into account what neighbors say. One way or another, you're going to make someone not happy. The complaint he is hearing from the public not that they shouldn't have a sign but is it's too big. The existing sign is 27 square feet, both sides, 4' wide. He suggested a 4 x 4 sign, which is 5 square feet total more. It would be 32 instead of 27, which is minimally more. He asked if this would be acceptable to applicant. He doesn't think it's bigger than existing sign enough that would matter. He understand the safety concerns and the new sign would be moved back fairly far back from the street. Prospect is a tough street to cross. Aesthetically, people would barely notice the couple square feet of difference from 27 to 32 square feet. It would be a little farther up out of the ground.

Mr. Weiss thought a smaller sign would be better but also does not want it lit internally. [Further explanation, Meter 25:30]

Mr. Boudreau asked about Meadowbrook sign, which has a larger square footage than what they are being allowed. Positing is the same as what their sign is. He questioned matching what Meadowbrook has.

[Meter 26:55]

Mr. McMahon advised Meadowbrook sign is 36 square feet, 18 per side, which was grant in 2002. The original request was for 48 square foot sign to replace an old one-sided sign.

Mr. Nolland added there is a precedence here. Mr. Boudreau knows they need to move the sign back. They are looking at Meadowbrook's 6' 8" sign free standing sign. The sign is actually 6' 4" wide and the base its sitting in is 12'. Ms. Gilbert added the base is not part of the sign. Free standing signs are required to be landscaped under the law. Mr. Boudreau said they are looking at the same thing.

[Meter 30:50, Discussion by Board on what's legally allowed, postponing appeal, applicant looking at other signs, alternate sign with an 18 square foot per side sign similar to Meadowbrook, externally lit, landscaping, location.] Mr. Boudreau agreed and stated the new plan would have to be acceptable to the Church Board.

MOTION:

By Ms. Gilbert, seconded by Mr. DeMane

**TO ALLOW A 2 MONTH POSTPONEMENT ON THE BOARD'S BEHALF TO DO
FURTHER RESEARCH ON A 36 SQUARE FOOT SIGN, RELOCATION AND
EXTERNALLY LIT**

ALL IN FAVOR: 4

OPPOSED: 0

MOTION TO POSTPONE PASSED

Mr. Boudreau asked about the lighting on the nursing home side of Meadowbrook – would the same amount of lighting be allowable for the church sign. Mr. Weiss said as long as it's directed at the sign and doesn't create a glare.

Mr. Nolland reminded the residents of Prospect that this appeal will be advertised in the legal section of the newspaper when applicant has re-submitted the revised plan to the zoning board.

Ms. Gilbert said there will **not** be another notice in the mail but will be advertised in the paper.

The **second and third** items on the agenda were Appeal #1956, Verizon Wireless for a Class B Variance for a cell tower that exceeds height allowed and Appeal #1957, Verizon Wireless for a Special Use Permit (SUP) to erect communications facility tower.

[Meter 36:00]

Mr. Nolland thanked the audience for coming out tonight. They are in a disadvantage for tonight's meeting attendance wise. The Board wants to be very careful and to look at everything.

The complete applications submitted were a letter from Young/Sommer, LLC, Counselors at Law, Five Palisades Drive, Albany, NY 12205; with the zoning board applications, along with a Long Form SEQR with 4 Exhibits. Also submitted was a report called "New York RSA 2 Cellular Partnership d/b/a Verizon Wireless, Lands s/f Plattsburgh Plaza, LLC, 316 Cornelia Street, City of Plattsburgh, Clinton County, New York, Section 207.17, Block 1, Lot 15.2-1, Application for Rosenberg Variance and/or Special Use Permit Review Approval," submitted by Verizon Wireless, John Engelbert, Real Estate Manager, 175 Calkins Road, Rochester, New York, 14623, Costich Engineering, David A. Weisenreder, P.E., 217 Lake Avenue, Rochester, NY 14608, HPC Development, Christine M. Howell, 1765 Whiting Road, Memphis, NY 13112, and Young, Sommer, Ward, Ritzenberg, Baker & Moore, LLC, Michael Cusack, Esq., David C. Brennan, Esq, Five Palisades Drive, Albany, NY 12205, dated February 25, 2013.

Mr. Nolland explained the 2 parts of the application. The Special Use Permit (SUP) is a permit that they grant basically as a matter of right for the applicant. He referred to the zoning tables in the back of the zoning code. The Class B variance is area and bulk control, which control setbacks and there is also a table of uses. There are uses that are allowed that are principle uses. He gave examples. In B-1 and B-2 Districts, under Uses Requiring a Special Permit, which are uses that are allowed, but by special permit, amongst other things including automotive and repair service shops, they also list essential public utility facilities, automobile agencies, etc.

They may not do anything tonight due to the issue of board members.

Mr. Nolland added regarding the SUP, unless they can prove it is so outside of the use in that district – they are not talking about the R-1 district, just the B-2 district – unless someone can demonstrate that this is really outside of that use and would have such a huge impact on that zoning district – it's a matter of right to the applicant.

The Class B Variance is a little more open to Board interpretation and that is the Area and Bulk Controls. Class B Variances have to do with anything that has to do with measuring, how far, how tall, how close, how big, area, what's left over, percentage of coverage, etc. Those are Class B Variance issues.

Mr. Nolland advised this is an allowed use but the other part is the height of the tower. The Board allows public comment.

Mr. Nolland advised this information is available to review in the Building Inspector's Office.

The Secretary advised that this information will be available at the City of Plattsburgh website, under Planning Board Applications.

Mr. Nolland read from the report footnote, "PROJECT DESCRIPTION, Verizon Wireless Plattsburgh Plaza Communications Facility:"

"In *Rosenberg*, this State's highest Court determined that wireless carriers, such as Verizon Wireless are a public utilities for land use purposes, and that the ordinary variance standard is inapplicable; a cellular telephone company applying for a variance need only show that (1) the variance is "required to render safe and adequate service," and (2) there are compelling reasons, economic or otherwise," for needing the variance. *Rosenberg*, 82N.Y. 2d at 372.

This is a matter of fact and as long as they can prove these 2 conditions exist, they are outside some of the normal variance requirements. He wanted the audience to know these facts and stated some of this may not even be in the zoning board hands.

Photos are in the report.

Mr. Nolland asked if the applicant wanted to still make a presentation and still decide whether he wanted the Board to vote on these appeals.

Mr. Brennan said sure. Mr. DeMane cannot vote on this appeal and such removed himself from the voting forum, which left only 3 zoning board members to vote on this appeal.

[Meter 44:35]

David Brennan started this discussion stating he is from the law firm of Young/Sommer from Albany. With him is Rick Andras, a radio frequency engineer with Verizon Wireless. Also present is Chris Howell, a real-estate Expert who helps with the identification and leasing of properties. He suggested giving a presentation, answering the board's question and see what the audience questions are. He thought this would not be voted on tonight but wanted everyone to be informed and their questions answered regarding this application.

Mr. Nolland reminded the applicant in attendance is 2 regular and 2 alternate zoning board members and they may not be back for the next meeting so he asked for a general overview of the project and to address the neighbor's concerns regarding these appeals. Mr. Brennan advised there will be a transcript prepared by his firm and between the minutes and his transcript they can educate themselves on the exchange of ideas. He thinks they could make an informed decision at some future point at what is going on with this application.

Mr. Nolland asked him to explain "what is an essential public utility" and explain the *Rosenberg* information.

[Meter 48:51]

Mr. Brennan explained the essential public utility question is more of a term in a zoning ordinance. In a zoning ordinance there are certain terms and within those terms there are either definitions on what the Board may have to determine what fits within that category. In the category of essential public services or public utilities, Verizon Wireless and other similar cell phone carriers have been classified by the state court of appeals as a public utility and by virtue of being classified as a public utility, it puts them on par with the electric company, the land line phone company, and in some places private water and sewer companies. What that means is they are providing what is now classified as an essential service to the public at large.

Where this comes into play is that when you provide a public utility or essential public service, the reason there is a different standard for use and area variances is because the courts and the law have acknowledged some places you cannot put those in the industrial districts and still serve the residential areas and the other areas of the communities with those services. [Meter 50:26] Through the engineering of these various systems, there is sometimes an engineering reason behind the need to put something that is serving the public at large in a residential or other district. That's why there is a distinction typically both in the zoning law as well as the broader concept of zoning law under the State of New York's laws with respect to public utilities.

Mr. Nolland asked if a public utility is interchangeable? Mr. Brennan said yes they are essentially interchangeable. [Meter 51:16 Further explanation]

Mr. Brennan continued stating they are proposing to do this within the highway business district, which is a zone which is allowable subject to obtaining a SUP and a height variance for the height of the facility.

Mr. Brennan explained to the public exactly where the location of the tower would be built. What is being proposed in the back corner is a 10,000 sf lease area, which is 86' x 116' surrounded by a chain link fence. This is a 12 x 30' 8" tall shelter that houses the radios and other equipment. Next to it will be a 104' steel monopole or galvanized monopole. At the top of the 104' monopole would be the typical 3 sided antenna that you typically see on towers. The reason they get to 108' is there is a 4' lightning rod on the top. It's about as thick as a finger and copper colored.

Utilities would come off of Cornelia Street and the substation underground. They will have an access of utilities over the existing blacktop. This is an open area and they will not be cutting down trees.

Mr. Brennan showed a profile view and if necessary, 2 microwave dishes for the hand-off for other sites and the antenna at the top with a total of 5 antennas per side, for a total of 15.

Mr. Brennan added there will be room for additional 2 sets of antenna's if other carriers want to come on. Verizon will negotiate in good faith under the standard terms and conditions that they deal with one another and allow other companies on this tower (AT&T, Nextel, Spring, etc.). Further explanation by Mr. Brennan [Meter 55:28]

Mr. Brenna stated another issue was the visibility of the project. This is 104' plus a lightning rod. He encouraged the audience to look at the drawings. He explained further where the location would be. [Meter 57:08] Visibility is limited to the immediate area.

The shelter will be earth tones and then trees planted in front of it but he believes at that height and with all the building the shelter and base of the tower will be shielded in every single direction.

These sites will be unmanned. They will be typically visited one to three times a month by a one or two person employee in a pick-up truck to go at look at radios to see if adjustments are needed. There is no water, sewer or traffic from it.

The reason why they are proposing this is they have existing sites in the City that surround this area but what is happening is over time more and more people are buying phones and using them. A number of people are using them as their primary source of communication. The landline in the house is going by the wayside and most people have cell phones.

In conjunction with this area in the community, there is also the CVPH Medical Center and SUNY College. What is happening in the surrounding sites – there is a hole in the coverage to the South where there is not good coverage. There is also getting to be a capacity issue so what happens is Verizon Wireless monitors the use of the surrounding sites and is getting to a point where they can identify that within reason within the 18-24 months. They will hit a point where the existing sites that surround this area will reach capacity and then there will be dropped calls or blocked signals where we can't handle that anymore. The way this is typically fixed is right now they operate at 850 MHz frequency. They have a PCS frequency of 1900 MHz and the idea would be you would deploy this frequency in this area. It would fix the area where there is a lack of coverage and also do a PCS overlay to provide additional capacity to pick up the amount of calls and traffic that are in this area.

Michael Kirk, 23 Trafalgar, asked what is the servicing radius of a tower. Mr. Andras explained with this type of environment with dense commercial usage and highway traffic on Cornelia St., College and CVPH, generally ½ mile to a mile. The next closes size is the water tank at the Cornelia Street exit. [Meter 1:01]

Mr. Weiss added Beekman Towers has antennas on it. Mr. Brennan said that has Verizon antenna's on it. There is one also behind Fire Station also. Another one is located on the roof top at the Air Base in the more southerly part of the City. The area where there is a lack of coverage and their capacity problems are surrounded by existing sites but yet with the amount of traffic that's generated by being in a city urban environment and the number of people, they are still having performance issues and also have a gap in coverage.

Mr. Andras stated the distance and site coverage also is dictated by the number of users because each site can only handle so many simultaneous users. [Further explanation by Mr. Andras on usage, dense environment, Meter 1:03]

Mr. Brennan said there is a difference on how cellular systems work. PIX 106 in Albany (radio) broadcasts at 50,000 watts, 24 hours a day, trying to reach Lake George. The difference is we don't broadcast at that strong signal. But they also don't broadcast at one set signal 24 hours a day. Basically when a tower receives a communication from a phone or someone is dialing from a landline into that tower and they reach out to the phone in that area, one of the radios turns on and communicates with that hand set back and forth. The amount of power used is gauged to reach that radio at a power level that keeps the interference issues within the algorithm to make sure there is no static and you have a good connection. [Further explanation about television and radio stations, Meter 1:06]

A Full Environmental Assessment Form was submitted, a copy of the lease, the FCC Licenses, Site Selection Analysis Report prepared by Mr. Andras and Ms. Howell to identify why we need the site. (Appendix 6)

Mr. Brennan added they did go to the CVPH Medical Center and asked to rent space on their roof to put equipment there. An email from CVPH stated they were not interested and not doing this.

Mr. Brennan also asked SUNY if they could locate antennas on one of their tall buildings and for some reason, they will not allow Verizon to have a back-up generator. He noted how important back-up generators are when the power goes out. SUNY would not let Verizon have a back-up generator ANYWHERE on their property. Mr. Brennan has correspondence stating "no." Verizon cannot live without because of a network reliability standpoint for residents, fire, and 911 calls.

This service would be for internet, voice, text, data, etc.

Mr. Nolland thought the Board would be postponing these appeals. Mr. Brennan added a lot of people are present and he wants to hear their concerns.

AUDIENCE COMMENTS:

Jacqueline Germain, 25 Trafalgar Drive asked if there was a study is real-estate property values and how that might affect our property values in the neighboring area. Mr. Brennan said there was no study and any time that this has come up they've seen a correlation that there is any impact on property values. What they are proposing would not be visible from the neighborhood, due to the dense trees. It's on an existing very large commercialized area. They neighbors are up against a commercial area and has already impacted or not impacted the fact of your property values but because you have a 300 foot large buffer strip of varying trees separating you from the commercial area and it can't be seen from there is difficult to image there would be an effect on property values.

Ms. Germain said her issue with that is the possible of future development. She felt they could potentially choose to develop that land up to 50 – 100 behind their house. If they were to clear all of that space within 100' of her back yard, that would definitely be something that we would all be taking notice of. She asked them to consider this for the future.

Ms. Germain also asked the ZB to consider the RF fields. In our country, the legal limit for RF field is significantly higher than in other countries. In our country, the limit is 9 watts per square meter at 1800 megahertz. In Canada, it's 3 watts. In Italy, Switzerland, and China it's .1.

Mr. Brennan added he does have a report from a professional engineer discussing radio frequency safety and indicating that we are at < 1% of what the FCC allows for radio frequency transmission. [Meter 1:14]

Jeanne Kerr, 9 Trafalgar asked why they needed this. Mr. Brennan explained he used CVPH and SUNY as examples because they do have data from CVPH. So that is driving in part why there is a capacity issue. It's also the density of residential development, the traffic that goes through the area, the commercial development – a number of things but it's also the fact of the proximity of 2 large populations. It also includes the number of people in homes and commercial buildings. [Further discussion with Mr. Brennan and Ms. Kerr, Meter 1:16]

David Kerr, 9 Trafalgar Drive questioned being so close to the tower – will it be a problem for their cell phone service.

Mr. Andras said it would not be an issue in this case. The system uses a power control so that it keeps everything transmitting at the absolute lowest that it possibility can to give you a quality signal. Mr. Kerr asked if there would be a dead zone. Mr. Andras said no, the lowest amount of radiation is directly beneath it. These signal levels are extremely low. They hear this all the time about health effects and how strong the transmissions are. But in fact the hand held device is thousands of times greater than the transmission that you will receive from the tower. If you are a Verizon subscriber, your service would improve. Mr. Kerr commented further. [Meter 1:19]

Mr. Kerr was not satisfied with the answers from CVPH or SUNY and how they were resistant to this and why they wouldn't allow these things. He suggested the Board or the applicants pressure those organizations and give a better reason as to why they won't allow it.

Scott DeMane, 23 Crescent Drive, asked if they had considered Meadowbrook's 3 story building. Mr. Andras advised it was not tall enough to reach up into the area along Cornelia Street.

Andy Sajar, 41 Trafalgar Drive asked if they have done any discussions with Municipal Lighting Dept. for joint usage on any of their structures, i.e. transmission towers over Northway, steel structures and also the transmission line on the East side of the property that they are building on, which is a 46,000 volts. He suggested consolidating so there are not so many things all over.

Mr. Andras explained typically there are safety issues involved with co-locating such structures.

Mr. Brennan said they would take a look at these.

Sally McSweeney, 31 Trafalgar Drive asked what the full radiation amounts for this that would be generated. She also asked for the full blown built out project amounts. Mr. Brennan explained the FCC has promulgated the regulations that regulate radio frequency transmissions coming off of this and many other type facilities. They had a professional engineer run a report and basically the way it's done is all the radios are in the shelter, all of the antennas are operational and all are maxed out. Even at the maximum transmission, full power and full capacity, they are significantly < 1% of the FCC limit. He referenced the report.

Mr. Brennan also explained yes they do have room and it's almost always a requirement of the municipality to have room for additional people if they were to permit a facility. He thought 60' was conservative. They are at the top for microwave dishes and usually there is a 10' separation so there is room for 2 more carriers. If someone else wanted to come on this tower in the future, there would be another public hearing, submit a report and provide their calculations. He commented he has seen other reports where they are going on an existing tower and there are multiple carriers and they run the analysis, it stays below 1% because of the low power level they are operating at. They could run that report if the Board requests it.

Mr. Sajar added if you have Wi-Fi in your house you have more radiation coming from that than in what you get from the cell tower. Mr. Andras agreed, with thousands of times stronger.

Mr. Nolland again stated they would be postponing this appeal on the board's behalf. Mr. Brennan consented due to comments and questions.

Mr. Nolland said the concerns were:

- 1 Concerns about service being ok;
- 2 Other locations nearby;
- 3 Safety with radiation from tower.

This was not a public hearing. This was a question and information session. There was no official testimony. This will happen again with more answers.

[Meter 1:27]

MOTION:

By Ms. Gilbert, seconded by Mr. Weiss

**TO POSTPONE APPEAL 1956 AND 1957 NY RSA 2 CELLULAR PARTNERSHIP
FOR 316 CORNELIA STREET ON THE BOARDS BEHALF FOR UP TO 2 MONTHS
TAKING US INTO THE MAY MEETING**

ALL IN FAVOR: 3

OPPOSED: 0

MOTION PASSED

Anyone who wants to be notified when this is on agenda again call the Building Inspectors Office.

Mr. Brennan thought they would be back at the April 15th meeting.

MOTION TO ADJOURN:

By Ms. Gilbert, seconded by Mr. Weiss

ALL IN FAVOR

MOTION PASSED

Meeting adjourned at 8:40 PM

For the purpose of this meeting, this meeting was recorded on the VIQ System. This is a true and accurate copy of the discussion.

Denise Nephew
Secretary
Zoning Board of Appeals